

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 4:23-CR-00380-SRC-PLC
)	
v.)	
)	
SONNY SAGGAR, M.D., and)	
RENITA BARRINGER,)	
)	
Defendants.)	

**UNITED STATES OF AMERICA’S RESPONSE TO
DEFENDANT SAGGAR’S REQUEST FOR DISCOVERY**

COMES NOW the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Amy E. Sestric and Cort A. VanOstran, Assistant United States Attorneys for said District, and responds to Defendant Saggar’s Request for Discovery Propounded to the Government (ECF No. 63):¹

Rule 16 Requests

(1)(a) Any and all written and/or recorded statements made by any defendant within the possession,² custody or control of the government, the existence of which is known, or by the exercise of due diligence may become known to the government; the substance of any oral statements that the government intends to offer in evidence at trial made by Defendants in response to interrogation by any person then known to be a government agent, including any statements made either before or after arrest, whether or not preserved by the government in any form. This includes, but is not limited to, summaries of oral statements and rough notes of any such statements by Defendants.

¹ For purposes of these responses, “the Government” includes members of the prosecution team within the meaning of the January 4, 2010 Ogden Memo regarding Guidance for Prosecutors Regarding Criminal Discovery and the Justice Manual Section 9-5.001.

² If a request seeks information in the Government’s “possession,” the United States responds as regards information uniquely in possession of the Government, as opposed to publicly available information or information equally available to both Defendants and the Government, such as case law or the Code of Federal Regulations.

The Government has previously disclosed all responsive materials currently in its possession.

(1)(b) The substance of any oral statements made by Defendants or any alleged coconspirator, that the government intends to offer into evidence, and any statement intended to be introduced as a co-conspirator statement.

The Government has previously disclosed all responsive materials currently in its possession as to Defendants and will supplement as required pursuant to the Jencks Act.

(1)(c) The prior criminal record, if any, of any defendant.

The Government has previously disclosed all responsive materials currently in its possession.

(1)(d) Any and all books, papers, documents, photographs, videotapes, and other tangible objects that are within the possession, custody or control of the government that are intended for use by the government as evidence in its case-in-chief at trial.

The Government has previously disclosed all responsive materials currently in its possession.

(1)(e) Any and all books, papers, documents, photographs, videotapes and other tangible objects that are within the possession, custody or control of the government (as defined above) that are material to the preparation of the defense, including, but not limited to:

(1) copies of any transcripts of deposition testimony of any witness or defendant in this case. This material is particularly relevant to preparation of the defense and the Government's obligation to disclose *Brady* materials in that statement [sic] under oath are highly relevant to the witness's state of mind in dealing with the government. This includes depositions taken by any state or federal government agency, including depositions in the possession, custody, or control of the Government.

To the extent that this request seeks information discoverable pursuant to *Brady*, the Government has provided all responsive materials currently in its possession. To the extent that this request seeks materials not discoverable pursuant to FRCP 16, the Government objects to this request. The Government will provide materials as required pursuant to the Jencks Act.

(2) copies of any statements made by any witness or defendant to any state or federal governmental body or agency;

The Government objects to this request because it seeks material not discoverable pursuant to FRCP 16. The Government will provide materials as required pursuant to the Jencks Act.

(3) any post-arrest statement made by an alleged co-conspirator or government witness, whether or not the government intends to offer the same at trial;

The Government objects to this request because it seeks material not discoverable pursuant to FRCP 16. The Government will provide materials as required pursuant to the Jencks Act.

(4) any pre-arrest statement made by an alleged co-conspirator or government witness, whether or not the government intends to offer the same at trial;

The Government objects to this request because it seeks material not discoverable pursuant to FRCP 16. The Government will provide materials as required pursuant to the Jencks Act.

(5) any person the government intends to call to offer expert or opinion testimony on any matter covered by Federal Rule of Evidence 702 or 701, including, but not limited to, the name, address, and a description of the testimony of each such witness;

The Government has not yet determined what, if any, expert witnesses it intends to call at the time of trial. The Government will make expert disclosures pursuant to FRCP 16, and Federal Rules of Evidence (FRE) 701 and 702, as required by those rules and by any Order of the Court.

(6) the curriculum vitae or resume, including a publication list, for each expert you may ask to testify at trial;

The Government has not yet determined what, if any, expert witnesses it intends to call at the time of trial. The Government will make expert disclosures pursuant to FRCP 16, and FRE 701 and 702, as required by those rules and by any Order of the Court.

(7) all documents containing the partial or complete, preliminary or final opinions or conclusions of any expert witness whether you intend to rely at trial or not on that witness;

The Government has not yet determined what, if any, expert witnesses it intends to call at the time of trial. The Government will make expert disclosures pursuant to FRCP 16, and FRE 701 and 702, as required by those rules and by any Order of the Court.

(8) all documents and tangible things, including all reports, models, data compilations, and other material prepared by your expert witness or for your expert witness in anticipation of the expert's trial and deposition testimony in this case;

The Government has not yet determined what, if any, expert witnesses it intends to call at the time of trial. The Government will make expert disclosures pursuant to FRCP 16, and FRE 701 and 702, as required by those rules and by any Order of the Court.

(9) all documents and tangible things, including all reports, models, data compilations, and other material prepared by your expert witness or for your expert witness in anticipation of the expert's trial and deposition testimony in this case;

This request is duplicative of request (1)(e)(8), above. As previously stated in response to that request, the Government has not yet determined what, if any, expert witnesses it intends to call at the time of trial. The Government will make expert disclosures pursuant to FRCP 16, and FRE 701 and 702, as required by those rules and by any Order of the Court.

(10) any and all published treatises, articles, periodicals, or pamphlets upon which you or your expert witness will rely at the trial of this case or to support any opinions of the expert witnesses;

The Government has not yet determined what, if any, expert witnesses it intends to call at the time of trial. The Government will make expert disclosures pursuant to FRCP 16, and FRE 701 and 702, as required by those rules and by any Order of the Court.

(11) any tape recording, electronic surveillance, or interception of any kind in connection with this matter, whether by the government or any other party, and for each such recording, surveillance or interception, identify the person making any such recording or conducting any such surveillance, identify the type of surveillance, the equipment used and the authority for each such recording or surveillance, provide copies of all applications,

affidavits, court orders, extensions thereof, periodic reports and surveillance logs, if said surveillance was court ordered;

The Government has previously disclosed all responsive materials currently in its possession.

(12) any “mail cover”, “pen register”, or any other similar interception or intrusion, including the date, time, place, and a description of each such interception or intrusion and any and all documents related to or reflecting any information derived therefrom;

The Government does not have any responsive materials in its possession.

(13) any and all evidence of “similar acts” or other evidence that the government intends to introduce against any of the defendants under Rule 404(b) of the Federal Rules of Evidence, including but not limited to, the date, location, and nature of each such act, the defendant that allegedly committed each such act, and the proper purpose on which the government intends to support admission of such evidence under Rule 404(b);

The Government has not yet determined what, if any, evidence it intends to offer at the time of trial pursuant to FRE 404(b). The Government will provide reasonable notice of such evidence as required by FRE 404(b) and any Order of the Court.

(14) any and all documents provided by the Government (including letters containing descriptions of a witnesses’ status) to any person having knowledge of any fact alleged in the indictment;

The Government has not yet determined which witnesses it will call at the time of trial. The Government objects to this request to the extent that it seeks information the disclosure of which is not required by any Court Order in this matter, FRCP 16, the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, *Brady* and its progeny or the Jencks Act. The Government has disclosed all material required by *Brady* and its progeny and will continue to disclose any newly responsive material to the extent required by *Brady* and its progeny or any Order of the Court.

(15) Provide copies of charts, graphs, blow-ups or other visual depictions intended for use as explanatory material at trial;

The Government has not yet determined what if any charts, graphs, etc. it will use at the time of trial. The Government will disclose such materials as required by any Order of the Court, the Federal Rules of Evidence, and the Federal Rules of Criminal Procedure.

(16) All summaries and charts intended for use at trial pursuant to Rule 1006, Fed. R. Evid.;

The Government has not yet determined what if any charts, graphs, etc. it will use at the time of trial. The Government will disclose such materials as required by any Order of the Court, the Federal Rules of Evidence, and the Federal Rules of Criminal Procedure.

(17) Any and all instructions given to the grand jury;

The Government objects to this request on the grounds that it seeks information the disclosure of which is not required by any Court order in this matter, FRCP 16, the Federal Rules of Evidence, the Federal Rules of Criminal Procedure, *Brady* and its progeny, or the Jencks Act.

(18) Any and all exculpatory evidence presented to the grand jury;

The Government objects to this request to the extent that it seeks information the disclosure of which is not required by any Court Order in this matter, FRCP 16, the Federal Rules of Evidence, the Federal Rules of Criminal Procedure, *Brady* and its progeny or the Jencks Act.

To the extent that this request seeks production of exculpatory evidence within the meaning of *Brady*, the Government has provided all responsive materials currently in its possession.

(19) The name(s) and address(es) of all witnesses the government intends to call at trial, and in connection therewith, set forth the following:

The Government has not yet determined which witnesses it will call at the time of trial. The Government objects to this request as it seeks material the disclosure of which is not required

pursuant to FRCP 16, the Federal Rules of Evidence, the Federal Rules of Criminal Procedure, *Brady* and its progeny, any Order of the Court, or the Jencks Act.

(a) The witness' prior criminal record including arrests and convictions.

The Government has not yet determined which witnesses it will call at the time of trial. The Government will disclose responsive material to the extent required by *Brady* and its progeny or any Order of the Court.

(b) Any and all letters, memoranda, agreements, stipulations or transcripts concerning any form of immunity granted, or promises made, to any such witness by the government. If oral, provide a memorandum of any such promise or understanding.

The Government has not yet determined which witnesses it will call at the time of trial. The Government will disclose responsive material to the extent required by *Brady* and its progeny or any Order of the Court.

(c) Any and all reports, memoranda and correspondence by and/or between any witness and any law enforcement agency, or employees thereof, which might reasonably reflect on the witness' motive for testifying or cooperating with the government.

The Government has not yet determined which witnesses it will call at the time of trial. The Government will disclose responsive material to the extent required by *Brady* and its progeny or any Order of the Court.

(d) Any and all investigations into, or prosecutions of, any witness' conduct which might reasonably provide a motive for the witness' cooperation.

The Government has not yet determined which witnesses it will call at the time of trial. The Government will disclose responsive material to the extent required by *Brady* and its progeny or any Order of the Court.

(e) Any and all agreements, memoranda, and/or transcripts relating to a lesser plea for any offense, withdrawal of an indictment, or promise of assistance or leniency.

The Government has not yet determined which witnesses it will call at the time of trial. The Government will disclose responsive material to the extent required by *Brady* and its progeny or any Order of the Court.

(20) State whether the Government intends to introduce any statements pursuant to Rule 801(d)(2)(E), Fed. R. Evid. If so, pursuant to Rule 806, Fed. R. Evid., provide all impeachment material in the Government's possession related to any out-of-court declarant whose statements the Government will seek to utilize.

The Government has not yet determined which witnesses it will call at the time of trial. The Government will disclose responsive material to the extent required by *Brady* and its progeny, the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, the Jencks Act, or any Order of the Court.

(21) State the names and addresses and a description of testimony of any person the Government might call to offer expert or opinion testimony on any matter covered by FRE 702 or 701.

The Government has not yet determined what if any expert witnesses it will call at the time of trial. The Government will disclose responsive material to the extent required by *Brady* and its progeny, the Federal Rules of Evidence or any Order of the trial court. The Government objects to this request to the extent that it seeks material the disclosure of which is not required pursuant to FCRP 16, *Brady* and its progeny, the Federal Rules of Evidence, or any Order of the Court.

Specific *Brady* Discovery Requests

(a) All Information and Documents identifying Assistant Physicians who indicated they were properly trained pursuant to State law.

The Government has disclosed any arguably responsive information currently in its possession.

(b) All Information and Documents suggesting that any prior statement or the testimony of any prospective government witness is inconsistent with or contradicted by the testimony or statement of that witness or any other person or witness or inconsistent with or contradicted by any document.

The Government has not yet determined which witnesses it will call at the time of trial. The Government objects to this request as seeking material the disclosure of which is not required at this time. The Government agrees to disclose all evidence containing impeachment or bias material on any testifying witness at the time of trial in accordance with its obligations under *Brady*, *Giglio*, the Jencks Act, or any Order of the Court.

(c) All Information and Documents suggesting that any prospective government witness has ever made a false, inaccurate, contradictory or inconstant statement with regard to the investigation or the facts underlying the Indictment.

The Government has not yet determined which witnesses it will call at the time of trial. The Government objects to this request as seeking material the disclosure of which is not required at this time. The Government agrees to disclose all evidence containing impeachment or bias material on any testifying witness at the time of trial in accordance with its obligations under *Brady*, *Giglio*, the Jencks Act, or any Order of the Court.

(d) All Information and Documents suggesting that any prospective government witness has a bias or motive to fabricate testimony or evidence in this matter.

The Government has not yet determined which witnesses it will call at the time of trial. The Government objects to this request as seeking material the disclosure of which is not required at this time. The Government agrees to disclose all evidence containing impeachment or bias material on any testifying witness at the time of trial in accordance with its obligations under *Brady*, *Giglio*, the Jencks Act, or any Order of the Court.

(e) All Information and Documents suggesting that Assistant Physicians all input their names into the medical records when they saw the patient.

The Government has disclosed any arguably responsive information currently in its possession.

(f) All Information and Documents relating to cooperation or plea agreements between the government and any government witness or entity, including, any and all communications intended for the employees (to them or their attorney).

The Government has not yet determined which witnesses it will call at the time of trial. The Government objects to this request as seeking material the disclosure of which is not required at this time. The Government agrees to disclose all evidence containing impeachment or bias material on any testifying witness at the time of trial in accordance with its obligations under *Brady*, *Giglio*, the Jencks Act, or any Order of the Court.

(g) All Information and Documents relating to any threats or suggestions made by anyone to any potential witness or entity regarding cooperation with the government, including, any and all communications intended for the employees (to them or their attorney).

The Government has not yet determined which witnesses it will call at the time of trial. The Government objects to this request as seeking material the disclosure of which is not required at this time. The Government agrees to disclose all evidence containing impeachment or bias material on any testifying witness at the time of trial in accordance with its obligations under *Brady*, *Giglio*, the Jencks Act, or any Order of the Court.

(h) All Information and Documents relating to immunity agreements or discussions with any person or entity relevant to the investigation or facts underlying the Indictment.

The Government objects to this request as seeking material the disclosure of which is not required at this time. The Government agrees to disclose all evidence containing impeachment or

bias material on any testifying witness at the time of trial in accordance with its obligations under *Brady, Giglio*, the Jencks Act, or any Order of the Court.

(i) All Information and Documents relating to any express or implicit promise, understanding, assurance or agreement between any government agent or attorney on the one hand and any person or entity relevant to the investigation or facts underlying the Indictment.

The Government objects to this request as seeking material the disclosure of which is not required at this time. The Government agrees to disclose all evidence containing impeachment or bias material on any testifying witness at the time of trial in accordance with its obligations under *Brady, Giglio*, the Jencks Act, or any Order of the Court.

(j) All Information and Documents relating to potential prosecution of any prospective government witness or entity.

The Government has not yet determined which witnesses it will call at the time of trial. The Government objects to this request as seeking material the disclosure of which is not required at this time. The Government agrees to disclose all evidence containing impeachment or bias material on any testifying witness at the time of trial in accordance with its obligations under *Brady, Giglio*, the Jencks Act, or any Order of the Court.

(k) For in-camera review by the District Court, the personnel file of all law enforcement witnesses who the prosecution intends to call at trial.

The Government objects to this request as it seeks disclosure of information not required pursuant to *Brady* and its progeny. The Government has complied and will continue to comply with its disclosure obligations pursuant to *Brady* and its progeny or any Order of the Court.

(l) All correspondence and emails between and among government officials that include impeachment information or exculpatory information.

The Government has not yet determined which witnesses it will call at the time of trial. Accordingly, the Government objects to this request to the extent it seeks impeachment

information because it seeks material the disclosure of which is not required at this time. The Government agrees to disclose all evidence containing impeachment or bias material on any testifying witness at the time of trial in accordance with its obligations under *Brady*, *Giglio*, the Jencks Act, or any Order of the trial court. To the extent this request seeks exculpatory information required by *Brady* and its progeny, the Government has produced all arguably responsive information currently in its possession.

(m) All Information and Documents reflecting that anyone provided information that Retina [sic] Barringer submitted SLGH claims billed to Medicare or Medicaid, including Information and Documents relating to who told such to the grand jury.

The Government objects to this request because evidence that Renita Barringer submitted SLGH claims to Medicare or Medicaid is inculpatory, not exculpatory. The Government objects to this request to the extent that it seeks information the disclosure of which is not required by any Court Order in this matter, FRCP 16, the Federal Rules of Evidence, the Federal Rules of Criminal Procedure, *Brady* and its progeny or the Jencks Act.

(n) All Information and Documents reflecting that Dr. Ali did not inform Sonny Saggar that his Medicaid billing privileges had been suspended.

The Government has produced all arguably responsive information currently in its possession.

(o) All Information and Documents reflecting that the agencies within the State of Missouri knew prior to the Indictment that SLGH's Creve Coeur location was not technically a "medically underserved rural or urban area."

The Government has produced all arguably responsive information currently in its possession.

(p) All Information and Documents reflecting that the agencies within the State of Missouri after learning that SLGH’s Creve Coeur location was not technically a “medically underserved rural or urban area” took no adverse action.

The Government has produced all arguably responsive information currently in its possession.

(q) All Information and Documents reflecting that the any agency within the State of Missouri after learning that SLGH’s Creve Coeur location was not technically a “medically underserved rural or urban area” informed Dr. Saggar not to shut the facility down.

The Government has no responsive materials in its possession.

(r) All Information and Documents identifying or relating to any Collaborating Practice physicians who indicated they properly trained Assistant Physicians pursuant to State law.

The Government has produced all arguably responsive information currently in its possession.

Date: December 29, 2023

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

/s/ Amy E. Sestric
AMY E. SESTRIC, #66219MO
CORT A. VANOSTRAN, #67276MO
Assistant United States Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2023, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all Counsel of Record.

/s/ Amy E. Sestric
AMY E. SESTRIC, #66219MO
Assistant United States Attorney